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Security Council

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English
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Identical letters dated 23 February 2015 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

In previous letters, we have described how the Turkish Government is directly supporting terrorist activities against Syria in every way. It has helped thousands of foreign terrorists, extremists and mercenaries from around the world to cross into Syrian territory, supplying them with funds, weapons, training and safe haven. Those actions are a blatant violation of the relevant Security Council resolutions, particularly resolutions 2170 (2014), 2178 (2011) and 2199 (2015). I now wish to inform you that the Turkish regime has not limited itself to providing every kind of support for its proxies Islamic State in Iraq and the Levant (ISIL), the Nusrah Front and other terrorist organizations associated with Al-Qaida. At dawn on 22 February 2015, the regime itself launched a flagrant aggression when hundreds of soldiers and Turkish military vehicles entered the territory of the Syrian State.

By a letter of 21 February 2015, on the eve of the attack, the Turkish Ministry of Foreign Affairs informed the Consulate General of the Syrian Arab Republic in Istanbul that it intended to relocate the tomb of Sulayman Shah. However, it did not wait for the consent of the Syrian Government, as was customary under the agreement concluded between Turkey and what were then the occupation authorities of France.

Article 9 of the 1921 Ankara Agreement provides that the tomb of Sulayman Shah, grandfather of Sultan Uthman, founder of the Ottoman Dynasty (the tomb known as the Turkish Shrine) located at Qal'at Ja'bar would, along with its premises, remain the property of Turkey, which may post guards there and raise the Turkish flag.

The text shows that the property rights of the Turkish Government under the Agreement are limited to the tomb and its premises, owing to the tomb's symbolic value (which is reflected in the term "the Turkish Shrine", in the text of article 9). That provision can in no way be construed as granting the Turkish Government sovereign rights over the land on which the tomb is located. Thus, the very act of moving the tomb into Turkey would nullify any Turkish property rights on Syrian territory. Nor can the Ankara Agreement be invoked in order to justify seizing other Syrian territory instead of the tomb's original location. The tomb that is under Turkish ownership for symbolic reasons was moved, and Turkey therefore has no property rights over the land on which it was re-installed. The same applies to the

first move of the tomb, which took place when the Euphrates dam was built. The Turkish property rights enshrined in the Ankara Agreement are limited to the tomb, whereas the land on which the tomb was installed is public property of the Syrian State. This applies to the location to which the tomb was moved in the 1970s: a specific piece of land belonging to the Syrian State was chosen as the new location of the tomb under an agreement between the two countries.

The Turkish Government has moved the site of the shrine to another location within Syrian territory. It has done so unilaterally, and without any agreement with the Syrian Government for that purpose. The Government of the Syrian Arab Republic emphasizes that such conduct cannot be justified on the grounds of the 1921 Ankara Agreement; indeed, it contravenes article 9 of the Agreement. The latter clearly specifies the location of the tomb, which was subsequently moved under a bilateral agreement. This unilateral measure violates the sovereignty of the Syrian State. The relevant agreements and correspondence address the issue in terms of symbolic value, not in terms of a Turkish plot of land that can be moved across Syrian territory.

The Government of the Syrian Arab Republic notes that, in its letter of 21 February 2015 addressed to the Consulate General of the Syrian Arab Republic, the Turkish Ministry of Foreign Affairs cites communication No. 419 of the Syrian Consulate General in Istanbul, dated 29 September 2012, to justify the Turkish aggression, because that document allegedly refers to the shrine as being part of Turkish territory. In that connection, Syria notes that the above-mentioned communication does not contain any indication whatsoever that the shrine is considered part of Turkish territory. Instead, the subject of the communication is confined to the undertaking of the Syrian Government to create a technical committee to assess the damage that occurred to the shrine at that time.

The Syrian Government further notes that the Turkish Government, in its letter of 21 February 2015, indicates that the shrine had been temporarily relocated for security reasons. It would have therefore been more appropriate to identify a new location for the shrine in Turkish territory because the shrine could no longer be considered real estate, but had become, rather, moveable property, simply by virtue of its removal from its original location. Accordingly, there is no longer any legal basis for demanding a new site for the shrine in Syrian territory.

The fact that this shrine is located in an area of Raqqah governorate in which the gangs of the terrorist organization ISIL are present raises doubts as to Turkey's true intentions. ISIL has demolished mosques, churches and shrines, yet it did not touch this shrine. Such restraint confirms the depth of the relationship between the Erdoğan regime and the terrorist organization. ISIL also made no attempt to confront the Turkish troops either when they entered or left, a course of action that provides yet further evidence of the Turkish regime's coordination and cooperation with ISIL and other terrorist organizations.

The Turkish aggression against Syria is a blatant violation of the territorial sovereignty of the Syrian Arab Republic. The Turkish Government has committed an act that contravenes the peremptory norms of international law, including respect for national sovereignty and the prohibition of aggression. The use of military forces by Turkey to move the shrine is a blatant aggression against a sovereign State Member of the United Nations and a violation of international law and conventions, in particular Article 2 of the Charter of the United Nations, under which the threat

or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, is prohibited. The forceful seizure of Syrian territory, namely, the border village of Ashmah, and the raising of the Turkish flag over that village, in preparation for the future transfer of the shrine to that location, amounts to the occupation of Syrian territory. Under no circumstances may the provisions of the 1921 Ankara Agreement be cited as justification for the Turkish Government's actions, because the privileges granted to the Turkish Government, whether in respect of the shrine, the flying of the Turkish flag or the posting of guards, were tied to the original location of the shrine and its symbolism.

The Syrian Government affirms that the Turkish authorities are responsible for the consequences of Turkey's violation of the 1921 Agreement.

The Government of the Syrian Arab Republic puts this information at your disposal and calls on the Secretary-General and Security Council to condemn this grave aggression by Turkey and to take immediately the necessary action against the Turkish regime, pursuant to the Charter of the United Nations and the relevant Security Council resolutions.

I should be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations S/2015/133

Security Council

Distr.: General
25 February 2015

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Letter dated 24 February 2015 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you a letter from the representative of the Syrian Coalition dated 24 February 2015 (see annex).

I would be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mark **Lyall Grant**

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Annex to the letter dated 24 February 2015 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

On behalf of the National Coalition of Syrian Revolution and Opposition Forces (Syrian Coalition), it is my grave responsibility to draw your attention to the atrocities unfolding across eastern Ghouta and Aleppo, and the urgent need for Security Council action to stop the Syrian regime's relentless slaughter of civilians, in direct violation of Security Council resolutions 2139 (2014), 2165 (2014) and 2191 (2014).

The humanitarian situation in eastern Ghouta is catastrophic. Shortly after the Assistant Secretary General for Humanitarian Affairs briefed the Security Council on 28 January 2015, Syrian regime forces launched a series of savage attacks on the opposition-held towns of Duma, Saqba, Hamoryah and Erbin, deploying indiscriminate barrel bombs, heavy artillery and surface-to-surface missiles on marketplaces and civilian residences. These attacks are part of a systematic campaign to wipe out dissent in eastern Ghouta and cleanse the area of suspected opposition sympathizers. In the first 10 days of these attacks, 183 people were killed, of whom 55 were women and children.

A similarly deadly attack is currently under way in Aleppo and its outskirts. On 29 January, 14 civilians were killed following airstrikes by regime aerial forces on the Al Bab areas of Aleppo governorate. On 17 February, Syrian regime forces backed by Hezbollah militias, attacked several villages north of Aleppo. Those attacks resulted in the deaths of at least 92 civilians, including 7 women and 26 children. The effort, which is ongoing, is part of a transparent attempt to besiege civilian-occupied areas in Aleppo and undercut the initiative of the Special Envoy of the Secretary-General for Syria to halt the violence in Syria's second-largest city.

The actions perpetrated in Aleppo and eastern Ghouta constitute war crimes and crimes against humanity. They violate the fourth Geneva Convention, to which Syria is a party, as well as Security Council resolutions 2139 (2014), 2165 (2014) and 2191 (2014), all of which prohibit the use of barrel bombs by Syrian regime forces.

The war crimes perpetrated by Syrian regime forces are, according to the Independent International Commission of Inquiry on the Syrian Arab Republic, being conducted as a "matter of State policy" (see A/HRC/28/69). This State policy has resulted in over 210,000 deaths, caused 12.2 million Syrians to be in need and forced 11.4 million people from their homes, 3.8 million of whom are currently living in refuge in neighbouring States. It has also have given rise to extremist groups. Over the past 50 days, extremist terrorist groups represented by the so-called Islamic State of Iraq and the Levant (ISIL) and the Al Nusra Front have executed no less than 103 people in seven provinces. The Syrian National Coalition and our partner on the ground, the Free Syrian Army, unequivocally condemn these twisted terrorist groups and we will continue to work to rid them from our lands.

But make no mistake: the conflict in Syria, and the rapid proliferation of terrorist groups like ISIL, will not end until the international community takes action to stop the Syrian regime's atrocities. Terrorists like ISIL will continue to rape, kill and terrorize innocent civilians as long as impunity continues to reign in Syria and as long as the Syrian regime continues to breed hate and insecurity. To stop ISIL and its brethren, the Security Council must take comprehensive action to

end the culture of impunity in Syria and hold war criminals responsible for war crimes and crimes against humanity. This requires that the Security Council take steps to:

- **Condemn and prevent the regime's use of indiscriminate force in eastern Ghouta and Aleppo.** The Security Council should express in writing its commitment to enforce international law and adopt a new, strong and enforceable resolution that acts as a real deterrent against future atrocities in eastern Ghouta, Aleppo and elsewhere.

- **Refer the situation in Syria to the International Criminal Court and make public the names of suspected war criminals.** In March 2015, the Independent Commission of Inquiry for the Syrian Arab Republic will deliver its fifth list of alleged perpetrators to the United Nations High Commissioner for Human Rights. For the sake of justice and to prevent future atrocities, the Security Council should call on the Commission of Inquiry to make these names public and refer the situation in Syria to the International Criminal Court.

- **Enforce the mandate of Security Council resolutions 2165 (2014) and 2191 (2014).** Despite the adoption by the Security Council of resolutions 2191 (2014) and 2165 (2014), the Syrian regime continues to obstruct the delivery of urgently needed aid to besieged areas and to impose administrative obstacles that prevent the movement of humanitarian assistance to hard-to-reach areas. United Nations agencies also continue to fail to meet the needs of the more than 3 million Syrians trapped behind borders. The Security Council should demand the full implementation of its resolutions 2139 (2014), 2165 (2014) and 2191 (2014) and call on United Nations agencies to upscale their assistance across Syria's border with Turkey and Jordan.

- **Increase humanitarian commitments to the Syrian people.** Humanitarian donations to Syria are failing to meet the growing needs of civilians inside and outside of Syria. On 31 March, the Third International Humanitarian Pledging Conference for Syria will take place in Kuwait City. Past pledging conferences in 2013 and 2014 raised $1.5 billion and $2.4 billion, respectively. This year, far more is needed. On behalf of the people of Syria, we ask that members of the Security Council increase their commitments at this year's pledging conference to ensure that the Regional Refugee and Resilience Plan and the Strategic Response Plan for Syria meet the United Nations goal of raising $8.4 billion to help nearly 18 million people in Syria and the region.

Without these actions, the conflict in Syria will continue, and more innocent lives will be lost. By employing comprehensive action today, the Security Council can effectively end the slaughter in eastern Ghouta and Aleppo and lay the foundation for a peaceful solution to the conflict. The achievement of such a solution remains the core objective of the Syrian Coalition's work, and it is why, on 15 February 2015, the General Assembly of the Syrian National Coalition approved a 13-item document of basic principles for a political settlement to the Syrian conflict (see enclosure). Our goal remains to achieve a political solution to the conflict based on the Geneva Communiqué, and thereby lay the foundations for a future Syria that is free of terrorists and the tyranny that foments it. The Security Council must demonstrate its commitment to this goal by taking concrete steps to achieve it.

(*Signed*) Najib **Ghadbian**

Enclosure

National Coalition of Syrian Revolution and Opposition Forces

2015 Statement of Basic Principles for a Political Settlement in Syria

1. Negotiations for a political settlement shall be resumed under the auspices of the United Nations on the basis of what has been agreed to at the Geneva II Conference on Syria (held in January and February 2014) and based on the relevant Security Council resolutions, particularly resolutions 2042 (2012), 2043 (2012), 2059 (2012) and 2118 (2013), and the final communiqué of the Action Group for Syria of 30 June 2012, known as the "Geneva Communiqué".

2. The fundamental goal of the negotiations shall be the implementation of the Geneva Communiqué, with all of its provisions, in accordance with paragraphs 16 and 17 of Security Council resolution 2118 (2013), which was adopted unanimously in 2013, beginning with the establishment of a transitional governing body with authority to exercise full executive powers, including the powers of the President, the ministries and the bodies and institutions of the State, including the army and the armed forces, intelligence agencies and all branches of the security services and police.

3. The purposes of the political process are: to change, fully and comprehensively, the current political regime, including the head of the regime, its lead figures and its security mechanisms, and establish a civil and democratic system based on peaceful transfer of power, political pluralism and the guarantee of the rights and responsibilities of all Syrians on the basis of equal citizenship.

4. The successful achievement of the objectives of the negotiations requires: the commitment of regional and international parties, the commitment of both sides of the negotiations to abide by the legal obligations in accordance with international law and Security Council resolutions, the full implementation of all legal obligations under international humanitarian and human rights law to alleviate the suffering of all Syrian civilians without any discrimination and the alleviation of the onerous humanitarian situation on the basis of Security Council resolutions 2139 (2014), 2165 (2014), and 2191 (2014).

5. The immediate cessation of all killings, bombings, targeting of civilians, detention, torture and forced migration constitutes an essential condition to beginning negotiations. Before beginning negotiations, we must also assess compliance with the Universal Declaration of Human Rights and the Security Council resolutions on Syria, including a ceasefire, the release of detainees and abductees, the lifting of the siege on civilians, the facilitation of the delivery of aid, the return of displaced persons and refugees to their homes and respect for public freedoms.

6. The agreement for a political settlement, as an outcome of negotiations conducted under the auspices of the United Nations, shall include a declaration of an interim constitution, which shall be the foundation for the process of implementing all matters relating to the transitional phase, steps and stages, including the work of the transitional governing body, the conference for national consensus and the constituent assembly.

7. The transitional governing body shall be the only legal, legitimate representative of the sovereign Syrian State over its entire territory, according to the agreement for a political settlement, and shall be responsible for:

(a) Maintaining the sovereignty of the Syrian State, its independence, and its complete territorial integrity, and taking the necessary actions and decisions leading to the immediate withdrawal of all foreign militias, foreign military, foreign agencies and organizations, and foreign fighters from Syria;

(b) The right to represent the Syrian State in international forums, conducting foreign affairs and relations with other States and regional and international organizations, and adherence to international conventions signed by the Syrian Government, and shall be authorized to do so exclusively;

(c) Creating a neutral environment and independent standards for a specified period of time (to be agreed upon) to enable the launch of the political transition process in order to meet the legitimate aspirations of the Syrian people for freedom and dignity. This shall be the initial main task of the transitional governing body in accordance with paragraphs 16 and 17 and annex II of Security Council resolution 2118 (2013);

(d) Stopping all forms of violence; withdrawing all military forces, armed groups and their instrumentalities from populated areas; developing a plan to integrate revolutionary military forces into the army, the police and the security sector after the restructuring of both military and security institutions according to new rules, or integrating them into the civil and public service sectors by which the transitional governing body implements, supervises and guides the cessation of violence in all its forms; and taking the necessary steps to protect civilians and achieve security and stability, in the presence of United Nations observers;

(e) Ensuring the continuity of the work carried out by the ministries, institutions and public service committees, while re-evaluating their role and structure; reforming the organizational structure and defining their functions; and reviewing staffing and work systems in accordance with professional standards, the rule of law and human rights standards;

(f) The adoption of a comprehensive reconstruction plan; facilitating the return of displaced persons and refugees to their areas, while ensuring access to humanitarian and medical assistance to all areas, securing treatment for the wounded and working to create an international fund for this purpose through a donors' conference;

(g) The immediate release of all prisoners detained for reasons connected to the revolution, political prisoners, prisoners from the non-violence movement and activists; revealing the fate of the missing and abducted; considering all penal provisions, civil judgments and terrorist court judgments based on charges for participating in the revolution and political work as from 15 March 2011 null and void and without any legal consequence. Compensation will be issued for those who were harmed;

(h) General amnesty for all political prisoners and detainees from before the revolution. All charges against them on the basis of political activity as from 15 March 2011 shall be considered null and void and without any legal consequence. Compensation will be issued for those who were harmed;

(i) The abolition of all laws or legislative decrees issued after the 1963 coup if they contradict the provisions of the Universal Declaration of Human Rights and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, including Law 49 of 1980 and article 16 of Legislative Decree No. 14 of 1969;

(j) Reviewing the conditions of prisons, detention centres and detention facilities in accordance with international human rights standards, providing a clear account of their location and allowing access to international monitoring organizations;

(k) Creating measures for interrogation and accountability of officials and perpetrators of war crimes, crimes against humanity and violations of human rights, in order to achieve justice and promote the transition towards peace and stability;

(l) The formation of a reconciliation commission, which shall be responsible for: consolidating the principles of transitional justice, resolving disputes arising from the crisis, consolidating civil peace, avoiding conflicts that lead to the outbreak of violence and providing international support for such through United Nations organizations.

8. The transitional governing body shall take action and determine the requirements for holding a conference on national consensus involving all Syrian society components of Arabs, Kurds, Turkmens, Assyrians and others, and also representatives of political, revolutionary and civil forces and independent figures, in order to develop principles on which the new constitution will be based.

9. The transitional governing body will organize elections with international monitoring, according to the electoral system adopted in the agreement for a political settlement, so as to choose the members of the constituent assembly, which shall be in charge of preparing the new constitution for Syria.

10. The transitional governing body shall call for a referendum on the new constitution, conducted with United Nations monitors.

11. The transitional governing body shall supervise the elections in accordance with the agreement for a political settlement, to be free, fair and pluralistic, as stipulated in the approved constitution, and under the supervision of the constituent assembly, the United Nations, and international and civil society organizations.

12. The transitional governing body shall commit, in accordance with the agreement for a political settlement, to these provisions and the following actions:

(a) Taking effective steps to ensure the participation of all components of the Syrian people in the transitional process, working to build trust and mutual respect and promoting consensus among political and social forces in line with the unity and stability of the Syrian State;

(b) The adoption of an integrated strategy to end the violence, combat terrorism and protect society from slipping into sectarian and ethnic conflicts;

(c) Guaranteeing freedom of expression; the right to form associations, civil society organizations and political parties; freedom of assembly; the right to peaceful protest and demonstrations; and freedom of the media and the flow of information;

(d) Ensuring equal citizenship rights for all Syrians, without any discrimination, and the full and complete participation of Syrian women, with all rights and responsibilities.

13. General provisions:

(a) The transitional governing body shall work in coordination with the Security Council and the United Nations to achieve compliance with its decisions and secure the necessary Arab, regional and international support;

(b) The transitional governing body shall develop impartial and independent standards approved by the Security Council to ensure the implementation of the agreement for a political settlement and the full implementation of paragraphs 16 and 17 of Security Council resolution 2118 (2013);

(c) In the event of non-compliance with the agreement, measures under Chapter VII of the Charter of the United Nations shall be invoked, as stipulated in paragraph 21 of Security Council resolution 2118 (2013);

(d) The transitional governing body shall be dissolved immediately upon the election and seating of an executive body with constitutional powers;

(e) The constituent assembly shall be dissolved upon an elected parliament holding its first session under the constitution.

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Security Council

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26 February 2015

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France, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions and its presidential statements on the situation in Sudan and South Sudan, and in particular, resolutions 1990 (2011), 2024 (2011), 2032 (2011), 2046 (2012), 2047 (2012), 2075 (2012), 2104 (2013), 2126 (2013),2156 (2014) and 2179 (2014), as well as presidential statements S/PRST/2012/19 and S/PRST/2013/14, and the Council's press statements of 18 June 2012, 21 September 2012, 28 September 2012, 6 May 2013, 14 June 2013, 14 February 2014, 17 March 2014 and 11 December 2014,

Reaffirming its strong commitment to the sovereignty, independence, unity, and territorial integrity of Sudan and South Sudan, and to the purposes and the principles of the Charter of the United Nations, and recalling the importance of the principles of good neighbourliness, non-interference and regional cooperation,

Reiterating that the territorial boundaries of States shall not be altered by force, and that any territorial disputes shall be settled exclusively by peaceful means, affirming the priority it attaches to the full and urgent implementation of all outstanding issues from the Comprehensive Peace Agreement (CPA), and underscoring that the future status of Abyei shall be resolved by negotiations between the parties in a manner consistent with the CPA and not by the unilateral actions of either party,

Recalling the commitments made by the Government of Sudan and the Government of South Sudan in the 20 June 2011 Agreement between the Government of Sudan and the Sudan People's Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area, the 29 June 2011 Agreement between the Government of the Sudan and the Government of South Sudan on Border Security and the Joint Political and Security Mechanism (JPSM), and the 30 July 2011 Agreement on the Border Monitoring Support Mission between the Government of Sudan and the Government of South Sudan, as well as the 27 September 2012 Agreements on Cooperation and Security Arrangements, the JPSM's 8 March 2013 decision, and the Implementation Matrix of 12 March 2013, reached by the Government of Sudan and the Government of South Sudan in Addis Ababa under the auspices of the African Union High-level Implementation Panel (AUHIP),

Expressing its full support for the efforts of the African Union on the situation between the Republic of Sudan and the Republic of South Sudan, in order to ease

the current tension, facilitate the resumption of negotiations on post-secession relations and the normalization of their relations, recalling in this regard the African Union Peace and Security Council (AUPSC) Communiqués of 24 April 2012, 24 October 2012, 25 January 2013, 7 May 2013, 29 July 2013, 23 September 2013, 26 October 2013, 12 November 2013 and 12 September 2014; the AUPSC Press Statement of 6 November 2013; and the Statement from the Chairperson of the African Union Commission on 28 October 2013,

Reaffirming its previous resolutions 1265 (1999), 1296 (2000), 1674 (2006), 1738 (2006), 1894 (2009) and 2175 (2014) on the protection of civilians in armed conflict; 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), and 2143 (2014) on children and armed conflict; 1502 (2003) on the protection of humanitarian and United Nations personnel; and 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013) on women peace and security,

Stressing the need for effective human rights monitoring, including of any sexual and gender-based violence and violations and abuses committed against women and children, taking note that there have been no developments with regard to the operationalization of human rights monitoring in the Abyei Area, and reiterating its concern at the lack of cooperation by the parties with the Secretary-General to this end,

Recalling that its resolution 2086 (2013) reiterates the importance, when establishing and renewing the mandates of United Nations Missions, to include provisions on the promotion of gender equality and the empowerment of women in post-conflict situations and on children and armed conflict, and *emphasizing* that persistent barriers to full implementation of resolution 1325 (2000) will only be dismantled through dedicated commitment to women's empowerment, participation, and human rights, and through concerted leadership, consistent information and action, and support, to build women's engagement in all levels of decision-making,

Noting with concern the minimum attention the parties have given to the management of the Abyei Area as well as the stalled efforts by the Government of Sudan and the Government of South Sudan to demilitarize the Safe Demilitarized Border Zone (SDBZ), including the "14 Mile Area", and to fully implement the Joint Border Verification and Monitoring Mechanism (JBVMM), in accordance with Security Council resolution 2046 and the AUPSC Roadmap of 24 April 2012, including as a result of South Sudan's continued disagreement with the location of the SDBZ centerline, the temporary unavailability of aircraft, the denial of security clearances, and the tense security situation in the vicinity of Kadugli,

Underlining the importance of fully establishing and maintaining effective JBVMM monitoring of the SDBZ, including the "14 Mile Area",

Welcoming further regular meetings between President Bashir and President Salva Kiir for continuing dialogue, recalling the United Nations Security Council decision in resolution 2046 that the parties must resume immediately negotiations to reach agreement on Abyei final status under the auspices of the AUHIP, calling upon all parties to engage constructively in the process mediated by the AUHIP towards final agreement on the final status of Abyei Area, and stressing that the parties must immediately implement pending aspects of the 20 June 2011 Agreement, in particular to resolve the dispute over the Abyei Area Council and immediately establish the Abyei Area Administration and Abyei Police Service,

Stressing that both countries will have much to gain if they show restraint and choose the path of dialogue instead of resorting to violence or provocations,

Commending the continued assistance provided to the parties by the AUHIP, the Intergovernmental Authority on Development, the Federal Democratic Republic of Ethiopia, the Special Envoy of the Secretary-General for Sudan and South Sudan, and the United Nations Interim Security Force for Abyei (UNISFA),

Further commending the efforts of UNISFA in effectively carrying out its mandate, including by its ongoing facilitation of peaceful migration throughout the Abyei Area, conflict prevention, mediation and deterrence, expressing its deep appreciation for the work of the troop-contributing countries, *strongly condemning* the attacks on UN personnel, *calling for* investigations of these attacks in a swift and thorough manner and to hold those responsible to account,

Underscoring concern for the fragility of the security situation in Abyei Area, acknowledging UNISFA's contribution to enhanced peace and stability since its deployment, and expressing its determination to prevent the recurrence of violence against or displacements of civilians and to avert intercommunal conflict,

Reiterating its deep concern regarding the public administration and rule of law vacuum in the Abyei Area, due to continued delays in the establishment of the Abyei Area Administration, Council and Police, including a special unit to deal with particular issues related to nomadic migration, which are essential to maintain law and order and prevent intercommunal conflict in Abyei,

Noting with concern the continued delay in establishing the temporary institutions and resolving the final status of Abyei and that the continued threat of intercommunal violence contributes to heightened tensions in the Abyei Area, including those ongoing tensions that prevent UNISFA's and other agencies' Sudanese staff from returning to Abyei,

Urging all parties to refrain from any unilateral action that could aggravate intercommunal relations within Abyei Area, *expressing concern* over the continued implications of what the AUPSC described in their 6 November 2013 press statement as "the decision by the Ngok Dinka to conduct a unilateral referendum" and also in this context, *taking note* that according to the 2 February 2015 Secretary-General's report (S/2015/77) the Government of Sudan is proceeding with the preparations for the organization of its national elections in Abyei,

Bearing in mind the current humanitarian situation in which humanitarian actors continue to provide assistance to approximately 81,000 people in the Abyei Area and the importance of coherence of United Nations assistance in the region, and *further stressing* the urgency of facilitating the delivery of humanitarian assistance to all affected populations,

Affirming the importance of voluntary, safe, orderly return and sustainable reintegration of displaced persons, and of peaceful and orderly migration cycles respecting the traditional migratory routes from Sudan to South Sudan through Abyei, and urging UNISFA to continue to take measures as necessary to ensure security in the Abyei Area in accordance with its mandate,

Recalling its resolution 2117 (2013), and expressing grave concern at the threat to peace and security in Abyei arising from the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons,

Expressing concern with the residual threat of landmines and explosive remnants of war in the Abyei Area, which hinders the safe return of displaced persons to their homes and safe migration,

Taking note of the 2 February 2015 Secretary-General's report (S/2015/77), including its assessment that the political and security situation on the ground is increasingly tense, and requires dialogue and cooperation to prevent it becoming more contentious, divisive, and destabilizing in the coming months, and the recommendations contained therein,

Recognizing that the current situation in Abyei and along the border between the Sudan and South Sudan continues to constitute a serious threat to international peace and security,

1. *Decides* to extend until 15 July 2015 the mandate of the United Nations Interim Security Force for Abyei (UNISFA) as set out in paragraph 2 of resolution 1990 (2011) and modified by resolution 2024 (2011) and paragraph 1 of resolution 2075 (2012), and acting under Chapter VII of the Charter of the United Nations, further decides to extend until 15 July 2015 the tasks of UNISFA as set out in paragraph 3 of resolution 1990, and determines that for the purposes of paragraph 1 of resolution 2024 (2011), support to the operational activities of the JBVMM shall include support to the Ad Hoc Committees, as appropriate when so requested by consensual decisions of these mechanisms, within UNISFA's operational area and existing capabilities;

2. *Takes note* of the recommendations in the 2 February 2015 Secretary-General's report, and welcomes the UNISFA initiatives to support resumption of community dialogue and administration by the communities under Abyei Joint Oversight Committee (AJOC) supervision; in this regard, *calls upon* the communities and the Governments of Sudan and South Sudan to take concrete steps towards those goals; and *further welcomes* the current and future support in these efforts from the United Nations, African Union and Government of the Federal Democratic Republic of Ethiopia;

3. *Underscores* that continued cooperation between the Government of Sudan and Government of South Sudan is also critical for peace, security and stability and the future relations between them;

4. *Reiterates* its demand that Sudan and South Sudan immediately resume the work of the AJOC, without preconditions, *welcomes* the Government of South Sudan's 4 December 2014 decision to name an AJOC Co-Chair to ensure steady progress on the implementation of the 20 June 2011 Agreement, including the implementation of the AJOC decisions, *welcomes* AU initiatives to support this goal and encourages its continued engagement, and *requests* the Secretary-General to provide an assessment of progress on these issues in his regular reports;

5. *Further reiterates* its demand that Sudan and South Sudan urgently commence the establishment of the Abyei Area Administration and Council, including by resolving the deadlock over the composition of the Council, and constitute the Abyei Police Service, to enable it to take over policing functions throughout the Abyei Area, including the protection of oil infrastructure, in accordance with their commitments in the 20 June 2011 Agreement;

6. *Decides* to maintain the troops authorized by resolution 2104 (2013) already deployed, and that the remaining authorized forces continue to be deployed consistent with the evolution of the JBVMM, to enable UNISFA to provide required force protection to the JBVMM and to enable UNISFA to fully support the JBVMM to conduct extended operations into the SDBZ as soon as possible, and *requests* the Secretary-General to keep the Council fully updated on the status of deployment as part of his regular reporting cycle;

7. *Expresses* concern regarding the stalled efforts to fully operationalize the JBVMM, *welcomes* the Secretary-General's forthcoming detailed assessment and expresses its intention to consider the recommendations regarding JBVMM operations, and calls upon the Government of Sudan and the Government of South Sudan to make timely and effective use of the JBVMM, JPSM, and other agreed joint mechanisms to ensure the security and transparency of the SDBZ, including the "14 Mile Area";

8. *Urges* renewed efforts to determine conclusively the SDBZ centreline on the ground, and reiterates that the centreline of the SDBZ in no way prejudices the current or future legal status of the border, ongoing negotiations on the disputed and claimed areas, and demarcation of the borders;

9. *Underscores* that UNISFA's protection of civilians mandate as set out in paragraph 3 of resolution 1990 (2011) includes taking the necessary actions to protect civilians under imminent threat of physical violence, irrespective of the source of such violence;

10. *Condemns* the presence of Diffra Oil Police units deployed in the Abyei Area, as well as the repeated entry of armed militias into the territory, and reiterates its demands that immediately and without preconditions the Government of Sudan redeploy the Oil Police in Diffra from the Abyei Area, and further reiterates, in accordance with relevant resolutions, in particular resolution 1990 and resolution 2046, that the Abyei Area shall be demilitarized from any forces, as well as armed elements of the local communities, other than UNISFA and the Abyei Police Service;

11. *Supports* the AJOC's 3 May 2013 decision on Abyei's status as a weapons-free area, underscores the AUPSC's concern in its 7 May 2013 Communiqué over reports that various communities living in Abyei are heavily armed, recalls that the 20 June 2011 Agreement on Temporary Arrangements for the Administration and Security of the Abyei Area stipulates that Abyei should be a weapons-free area and that only UNISFA is authorized to carry weapons inside the area, and in this regard, urges the two Governments to take all necessary steps to ensure that Abyei is effectively demilitarized, including through disarmament programs as necessary;

12. *Affirms* that UNISFA may undertake weapons confiscation and destruction in the Abyei Area as authorized under resolution 1990 (2011), consistent with its mandate and within its existing capabilities, in coordination with the signatories of the June 2011 Agreement on the Temporary Arrangements for the Administration and Security of the Abyei Area, the AJOC, and the Misseriya and Ngok Dinka communities and consistent with the previous AJOC decision to establish the Area as a "weapons free area", and reiterates its request that UNISFA, observe, document and report on the movement of weapons into Abyei and the

presence, destruction and confiscation of weapons within Abyei as part of the Secretary-General's regular reporting cycle;

13. *Requests* UNISFA to continue its dialogue with the AJOC and with the Misseriya and Ngok Dinka communities on effective strategies and oversight mechanisms for ensuring full compliance by all relevant parties with Abyei's status as a weapons-free area, with a particular priority placed on the urgent elimination of heavy or crew-served weapons, as well as rocket-propelled grenades, and calls upon the Governments of Sudan and South Sudan, the AJOC, and the Misseriya and Ngok Dinka communities to extend full cooperation to UNISFA in this regard;

14. *Urges* the two Governments immediately to take steps to implement confidence-building measures among the respective communities in Abyei Area, including through reconciliation processes at the grass-roots level and supporting UNISFA in promoting community dialogue and in convening a peace conference between the Ngok Dinka and Misseriya traditional chiefs, and strongly urges all Abyei communities to exercise maximum restraint in all their engagements and to desist from inflammatory acts or statements that may lead to violent clashes, or any further unilateral activities;

15. *Requests* UNISFA, within its existing capabilities and resources and in close coordination with the Misseriya and Ngok Dinka communities, to strengthen the capacities of Community Protection Committees in order to assist with management of law and order processes in Abyei;

16. *Calls upon* all parties to cooperate fully with the findings and recommendations following the Abyei Area Joint Investigation and Inquiry Committee's (AAJIIC's) investigation into the killing of a UNISFA peacekeeper and the Ngok Dinka paramount chief, and *reiterates* the need to enable the two communities find closure on the assassination of the Ngok Dinka Paramount Chief;

17. *Expresses* its intention to review as appropriate the mandate of UNISFA for possible reconfiguration of the mission in light of the compliance by Sudan and South Sudan with the decisions set forth in resolution 2046 and their commitments as set forth in the Agreements of 20 June, 29 June, 30 July 2011 and 27 September 2012, including the redeployment of all forces from the SDBZ, achieving full operational capability for the JVBMM, and the Ad Hoc Committees, as well as completing the full demilitarization of the Abyei Area;

18. *Calls upon* all Member States, in particular Sudan and South Sudan, to ensure the free, unhindered and expeditious movement, to and from Abyei and throughout the SDBZ, of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles, aircraft, and spare parts, which are for the exclusive and official use of UNISFA;

19. *Renews its call upon* the Governments of Sudan and South Sudan to provide full support to the United Nations, including by promptly issuing visas to military, police and civilian United Nations personnel, including humanitarian personnel, without prejudice to their nationality, for entry into Sudan and South Sudan, facilitating basing arrangements and flight clearances, and providing logistical support, *calls upon* the Governments of Sudan and South Sudan to facilitate travel from within Sudan and South Sudan to and from Abyei, and *further calls upon* all parties to fully adhere to their obligations under the Status of Forces Agreements;

20. *Recognizes* that the absence of development projects and the inability to deliver basic government services has had an adverse effect on Abyei populations and *calls upon* the Government of Sudan and Government of South Sudan, as well as donors to support reconstruction and capacity building;

21. *Demands* that the Government of Sudan and the Government of South Sudan continue to facilitate the deployment of the United Nations Mine Action Service (UNMAS) to ensure JBVMM freedom of movement as well as the identification and clearance of mines in the Abyei Area and SDBZ;

22. *Further demands* that all parties involved allow and facilitate all humanitarian personnel with full, safe and unhindered access to civilians in need of assistance and all necessary facilities for their operations, in accordance with international law, including applicable international humanitarian law, and United Nations guiding principles of humanitarian assistance;

23. *Strongly urges* that all parties cease all forms of violence, human rights violations and abuses, violations of international humanitarian law, and violations and abuses against children in violation of applicable international law;

24. *Requests* the Secretary-General to ensure that effective human rights monitoring is carried out, and the results included in his reports to the Council, and reiterates its call upon the Government of Sudan and the Government of South Sudan to extend their full cooperation to the Secretary-General to this end, including by issuing visas to the concerned United Nations personnel;

25. *Requests* the Secretary-General to take the necessary measures to ensure full compliance of UNISFA with the United Nations zero tolerance policy on sexual exploitation and abuse and to keep the Council informed if cases of such conduct occur;

26. *Welcomes* the appointment of civilian Head of Mission for UNISFA, and encourages close communication and coordination with the Force Commander, UN Country Teams and diplomatic communities of Khartoum and Juba, as well as civil society, the African Union and the Government of the Federal Democratic Republic of Ethiopia;

27. *Requests* the Secretary-General to continue to inform the Council of progress in implementing UNISFA's mandate in two written reports, no later than 1 May 2015 and 15 June 2015 respectively, and continue to bring to the Council's immediate attention any serious violations of the above referenced agreements;

28. *Notes* the Secretary-General's efforts to ensure close cooperation among United Nations missions in the region, including UNISFA, the United Nations Mission in the Republic of South Sudan (UNMISS), and the African Union-United Nations Hybrid Operation in Darfur (UNAMID), as well as his Special Envoy for Sudan and South Sudan, and requests that he continue this practice;

29. *Decides* to remain actively seized of this matter.

United Nations S/2015/135

Security Council

Distr.: General
25 February 2015

Original: English

Letter dated 24 February 2015 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council

With reference to Security Council resolution 2202 (2015), I have the honour to bring the Protocol on the results of the consultations of the Trilateral Contact Group (Minsk, 5 September 2014) (annex I) and the memorandum on the fulfilment of the Protocol based on the results of the consultations of the Trilateral Contact Group (Minsk, 19 September 2014) (annex II) to the attention of the Security Council.

I should be grateful if you would circulate the present letter and its annexes as a document of the Security Council.

(*Signed*) Yuriy **Sergeyev**
Ambassador
Permanent Representative

15-02842 (E) 260215 260215

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Annex I to the letter dated 24 February 2015 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council

[Original: Russian]

Protocol on the outcome of consultations of the Trilateral Contact Group on joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of the Russian Federation, V. Putin

Upon consideration and discussion of the proposals put forward by the participants of the consultations in Minsk on 1 September 2014, the Trilateral Contact Group, consisting of representatives of Ukraine, the Russian Federation and the Organization for Security and Cooperation in Europe (OSCE), reached an understanding with respect to the need to implement the following steps:

1. Ensure the immediate bilateral cessation of the use of weapons.

2. Ensure monitoring and verification by OSCE of the regime of non-use of weapons.

3. Implement decentralization of power, including by enacting the Law of Ukraine on the interim status of local self-government in certain areas of the Donetsk and Luhansk regions (Law on Special Status).

4. Ensure permanent monitoring on the Ukrainian-Russian State border and verification by OSCE, along with the establishment of a security area in the border regions of Ukraine and the Russian Federation.

5. Immediately release all hostages and unlawfully detained persons.

6. Enact a law prohibiting the prosecution and punishment of persons in connection with the events that took place in certain areas of the Donetsk and Luhansk regions of Ukraine.

7. Continue an inclusive national dialogue.

8. Adopt measures aimed at improving the humanitarian situation in Donbass.

9. Ensure the holding of early local elections in accordance with the Law of Ukraine on the interim status of local self-government in certain areas of the Donetsk and Luhansk regions (Law on Special Status).

10. Remove unlawful military formations and military hardware, as well as militants and mercenaries, from the territory of Ukraine.

11. Adopt a programme for the economic revival of Donbass and the resumption of vital activity in the region.

12. Provide personal security guarantees for the participants of the consultations.

Participants of the Trilateral Contact Group:

(*Signed*) Heidi **Tagliavini**,
Ambassador

(*Signed*) L. D. **Kuchma**,
Second President of Ukraine

(*Signed*) M. Y. **Zurabov**,
Ambassador of the Russian Federation to Ukraine

(*Signed*) A. W. **Zakharchenko**

(*Signed*) I. W. **Plotnitski**

Annex II to the letter dated 24 February 2015 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council

[Original: Russian]

Memorandum on the implementation of the provisions of the Protocol on the outcome of consultations of the Trilateral Contact Group on joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of the Russian Federation, V. Putin

To carry out item 1 of the Protocol on the outcome of the consultations of the Trilateral Contact Group on joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of the Russian Federation, V. Putin, (Minsk, Republic of Belarus, 5 September 2014), the participants of the Trilateral Contact Group, consisting of representatives of Ukraine, the Russian Federation and the Organization for Security and Co-operation in Europe (OSCE) and representatives of certain areas of the Donetsk and Luhansk regions, have reached an understanding with respect to the following measures to strengthen the bilateral ceasefire agreement.

1. The ceasefire shall be considered mutual.

2. Both sides' units and armed formations shall halt at their line of contact as at 19 September 2014.

3. The use of all types of weapons and offensive action shall be banned.

4. Within 24 hours after the approval of this Memorandum, all lethal weapons of more than 100 millimetre calibre shall be moved back from the line of contact on each side by at least 15 kilometres (with the exception of those indicated below), including from residential areas, to allow the establishment of a ceasefire zone of no less than 30 kilometres in width (the security zone).

At the same time, artillery systems of more than 100 millimetre calibre shall be moved back from the line of contact to a distance equal to the length of their maximum range, specifically:

- 100 mm canons MT12, by 9 kilometres; 120 mm mortars, by 8 kilometres; 122 mm howitzers D30 (2C1 Gvozdika), by 16 kilometres; 152 mm 2C5 Giatsynt-S (2C3 Akatsia, 2C19 Msta-S, 2A65 Msta-B), by 33 kilometres; multiple-launch rocket system (MLRS) 9K51 Grad, by 21 kilometres; 9K57 Uragan, by 36 kilometres; 9K58 Smerch, by 70 kilometres; MLRS Tornado-G, by 40 kilometres; MLRS Tornado-U, by 70 kilometres; MLRS Tornado-C, by 120 kilometres.

- Tactical rocket systems, by 120 kilometres.

5. Deployment of heavy weapons and military equipment shall be banned in the district delimited by the towns of Komsomolsk, Kumacheve, Novoazovsk and Sakhanka, with OSCE monitoring.

6. Installation of new mines and explosive barriers within the limits of the security zone shall be banned.

Mines and explosive engineering barriers installed previously within the security zone shall be dismantled.

7. As soon as this Memorandum is approved, flights by military aircraft and foreign unmanned aerial vehicles (UAV), with the exception of UAV used by the OSCE monitoring mission, shall be banned along the line of contact in the ceasefire zone no less than 30 kilometres in width.

8. An OSCE monitoring mission consisting of OSCE observers shall be deployed in the ceasefire zone within 24 hours of the approval of this Memorandum. The above-mentioned zone should be divided into sectors, the number and limits of which shall be agreed upon as part of the preparations for the work of the OSCE monitoring mission.

9. All foreign military formations and military equipment, as well as militants and mercenaries, are to exit the territory of Ukraine under OSCE monitoring.

Participants of the Trilateral Contact Group:

(*Signed*) Heidi **Tagliavini**,
Ambassador

(*Signed*) L. D. **Kuchma**,
Second President of Ukraine

(*Signed*) M. Y. **Zurabov**,
Ambassador of the Russian Federation to Ukraine

(*Signed*) A. W. **Zakharchenko**

(*Signed*) I. W. **Plotnitski**

Minsk, 19 September 2014